REMARKS

Initially, Applicant notes that the Examiner provided the above mentioned Official Action in response to a Panel Decision from the Pre-Appeal Brief Review, mailed January 31, 2006, withdrawing the previous final office action (dated June 21, 2005) and reopening prosecution. In the above-referenced Official Action, the Examiner again allowed claims 14-20, as in the previous Official Actions, dated June 21, 2005, December 21, 2004, June 10, 2004, December 31, 2003, and January 30, 2003, and again rejected claims 1-13 and claims 21-25, relying on the same combinations of prior art on which the Examiner had previously relied.

In particular, in the above-referenced Official Action, the Examiner rejected claims 1, 4, 5, 8 and 21 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. (U.S. Patent No. 5,680,482) in view of TUCKER et al. (U.S. Patent No. 5,903,313). The Examiner rejected claims 9-13 and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. in view of TUCKER et al. and BOYCE et al. (U.S. Patent No. 5,635,985). The Examiner rejected claims 2, 3, 6, 7, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. and TUCKER et al., and further in view of MALLADI (U.S. Patent No. 5,818,532). Applicant respectfully traverses these rejections, at least for the reasons stated below.

A Panel Decision issued on January 31, 2006, from a Pre-Appeal Brief Review following the Examiner's final rejection of the currently pending claims on June 21, 2005. In the final office action, the Examiner had rejected the claims

based on the same combinations of prior art set forth in the present Official Action, plus one additional patent - STIFLE et al. (U.S. Patent No. 4,633,462). In particular, the Examiner had rejected claims 1, 4, 5, 8 and 21 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al., in view of TUCKER et al. and STIFLE et al. The Examiner had rejected claims 9-13 and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al. in view of TUCKER et al., BOYCE et al. and STIFLE et al. The Examiner had rejected claims 2, 3, 6, 7, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over LIU et al., TUCKER et al. and STIFLE et al., and further in view of MALLADI. These rejections were specifically withdrawn by the Panel and prosecution was reopened.

In the present Official Action, the Examiner merely dropped STIFLE et al., and otherwise relied on the identical combinations of references and reverted to nearly identical arguments set forth in his previous Official Action of December 21, 2004 (i.e., before adding the STIFLE et al. reference). As a practical matter, if the combination of references including STIFLE et al. do not contain sufficient disclosures to teach or suggest the subject matter of claims 1-13 and 21-25, then the same combination of references not including STIFLE et al. likewise cannot be not sufficient to teach or suggest the subject matter of claims 1-13 and 21-25. Furthermore, as argued in response to the Examiner's previous Official Action of December 21, 2004, no proper combination of the presently asserted references (i.e., LIU et al., TUCKER et al., BOYCE et al. and MALLADI) teach or suggest the claimed invention.

More particularly, in response to the Official Action of December 21, 2004, Applicant had amended independent claims 1, 5, 9, 12, 21 and 24 to delete "at least one of," thus reciting, for example, "determining a throttling amount, using a measure of computational processing power required to decode at least one bitstream of the video data *and* a measure of the decoder's processing capabilities ..." (e.g., claim 1). Applicant had asserted and continues to assert that the combination of LIU et al. and TUCKER et al. do not teach or suggest determining a throttling amount based on both of these measurements.

The Examiner evidently agreed with Applicant's analysis and admitted the shortcomings of LIU et al. and TUCKER et al. because, in the very next Official Action (dated June 21, 2005), the Examiner cited STIFLE et al. to teach throttling based on a measure of computational processing power required to decode a bitstream of the video data. (Notably, the Examiner had previously relied on STIFLE et al. in the Official Actions of June 10, 2004, and December 31, 2003; withdrew STIFLE et al. in the Official Action of December 21, 2004; re-asserted STIFLE et al. in the Official Action June 21, 2005; and has now withdrawn STIFLE et al. again in the present Official Action of March 15, 2006.)

In the present Official Action, the Examiner again relied on LIU et al. to teach measuring computational processing power required to decode at least one bitstream of the video data and measuring the decoder's processing capabilities. However, the measuring in LIU et al. is used for allocating buffers, not controlling (i.e., throttling) the computation processing requirements of the decoder. See, e.g., Fig. 7, steps 372-374; col. 13, lines 55-59.

The Examiner therefore again relied on TUCKER et al. to teach reducing computational processing of video data based on a throttling amount using a measure of a decoder's processing capabilities. Generally, TUCKER et al. disclose determining if a host processor is a low, medium or high performance processor with respect to video decoding. See, e.g., col. 9, lines 27-38. A threshold is set based on this determination and motion compensation is performed only on macroblocks having a motion vector that exceeds the threshold. See, e.g., col. 10, lines 33-55.

However, as acknowledged by the Examiner, TUCKER et al. do not discuss reducing computational processing using a measure of computational processing power required to decode at least one bitstream of video data. In fact, in the present Official Action, the Examiner did not even assert that TUCKER et al. teach this feature. Moreover, now that the Examiner has dropped the STIFLE et al. reference, the Examiner does not identify any prior art that teaches this feature, alone or in combination with the other references.

Accordingly, the combination of LIU et al. and TUCKER et al. does not teach or suggest at least reducing computational processing using a measure of computational processing power required to decode at least one bitstream of video data, as recited in independent claims 1, 5, 6, 12, 21 and 24. Therefore, withdrawal of the rejections based on any combination of LIU et al. and TUCKER et al. is respectfully requested. With regard to claims 2-4, 6-8, 10-11, 13, 22-23 and 25, Applicant asserts that they are allowable at least because they depend from allowable independent claims 1, 5, 9, 12, 21 and 24, respectively.

Further, as previously argued by Applicant, the other references cited by the Examiner likewise do not teach or suggest this feature. With respect to claims 9-13 and 24-25, the Examiner only relied on BOYCE et al. to disclose reducing a number of coefficients in an inverse DCT. With respect to claims 2, 3, 6, 7, 22 and 23, the Examiner only relied on MALLADI to disclose limiting a function of a post filter or format conversion filter. Therefore, BOYCE et al. and MALLAKI do not overcome the deficiencies of LIU et al. and TUCKER et al.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of previously asserted rejections set forth in the Official Action, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

William Brent WILSON

William Pieprz
Reg. No. 33,630

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191